

CERTIFIED MAIL - RETURN RECEIPT REQUEST NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: David Haviar, D.V.M.

Petition No. 870612-47-004

CONSENT ORDER

WHEREAS, David Haviar, D.V.M., of Rocky Hill Connecticut, has been issued license number 001122, to practice veterinary medicine, surgery or dentistry by the Department of Health Services pursuant to Chapter 384 of the General Statutes of Connecticut, as amended; and

WHEREAS, David Haviar, D.V.M., hereinafter referred to as the Respondent, hereby admits as follows:

1. In August 1985 he accepted Britt and Zorba (2 companion German Shepherd dogs) from the Zimmermans for boarding.
2. During this boarding Britt developed upper and lower GI tract disturbances, and fever, was treated with antibiotics, and died.
3. The respondent failed to retain Britt's medical record, in violation of the Connecticut Public Health Code Section 19a-14-42.
4. Subsequently Zorba, Britt's companion dog, developed the same symptoms, was treated in the same fashion, and discharged while still suffering from these symptoms. Zorba died the day after his discharge.
5. The medical records of Zorba do not contain any substantiation of Zorba's symptoms, diagnosis or treatment to corroborate Zorba's medical treatment after he became ill and exhibited the same symptoms as the deceased Britt, which lack of substantiation violated the Connecticut Public Health Code Section 19a-14-40, et seq.

7. That by his actions in 3. and 5. above he violated the provisions of §20-202 of the Connecticut General Statutes by failing to conform to the accepted standards of the veterinary profession.

NOW THEREFORE, pursuant to §19a-17 and §20-202 of the General Statutes of Connecticut, David Haviar hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;
2. That his license to practice as a veterinarian in Connecticut is hereby ~~suspended~~ for one month;
3. That said suspension is ~~stayed~~ immediately, and he is to be on ~~probation~~ for one (1) year under the following terms and conditions:
 - (a) During that probationary period, Respondent will report to the Connecticut Board of Veterinary Medicine at a semi-annual meeting. One month prior to each such meeting, the Board shall provide Respondent with written notice of the time, place, and date of the meeting. At each semi-annual meeting, Respondent shall bring with him all necessary records in order to demonstrate significantly improved record-keeping, i.e., detailed symptoms, diagnosis, treatment and after-care notations on all patients;
4. That he is hereby assessed a ~~civil penalty~~ of \$300.00. Said penalty is to be paid to:

Treasurer, State of Connecticut
Department of Health Services
150 Washington Street
Hartford, CT 06106

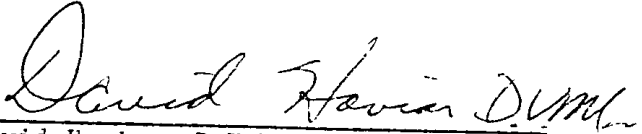
Payment of the aforementioned penalty shall be made by Certified Check and shall accompany this document upon execution by Respondent, David Haviar.

5. That in the event that the Connecticut Board of Veterinary Medicine shall find that there has been any deviation by the Respondent from the terms of probation specified in Paragraph 3. above during the period of probation, then such deviation shall constitute a violation of probation and the Connecticut Board of Veterinary Medicine may lift the stay; otherwise, the stay shall remain in effect.
6. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Veterinary Medicine (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
7. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
8. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
9. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Veterinary Medicine. He


understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.

10. That he has consulted with an attorney prior to signing this document.

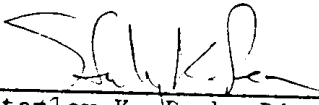
I, David Haviar, D.V.M., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


David Haviar, D.V.M.

Subscribed and sworn to before me this 5th day of August 1988.


Notary Public or person authorized
by law to administer an oath or
affirmation Commissioner of
The Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 17th day of August 1988, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the
Connecticut Board of Veterinary Medicine on the 14th day
of September 1988, it is hereby ordered and accepted.

J. R. Ham
For the Connecticut Board of Veterinary
Medicine

EMS:pf
3504Q/33-38



STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

5 November 1990

David Haviar, D.V.M.
588 Cromwell Avenue
Rocky Hill, CT 06067

RE: Petition No. 870612-47-004

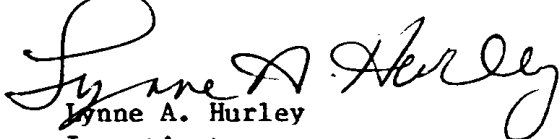
Dear Dr. Haviar:

Pursuant to the Connecticut Board of Veterinary Medicine's October 31, 1990 review and approval of your records, I am writing to inform you that the terms of your September 14, 1988 Consent Order have been completed.

This letter serves to confirm that you have completed all the stipulations of your Consent Order and that the terms of your probation have been completed. Notice will be provided to our Licensure and Renewal Section to remove any restrictions placed on your license effective October 31, 1990.

Please do not hesitate to contact me at the number listed below if you have any questions regarding this matter.

Very truly yours,


Lynne A. Hurley
Investigator
Public Health Hearing Office

LAH:dm
5748Q/3

cc: David J. Pavis, Chief, PHHO
John Boccaccio, Chief, L&R